



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

July 29, 2016

Summary of Cases Accepted and Related Actions During Week of July 25, 2016

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#16-261 *People v. Becerra*, S235058. (G051370; nonpublished opinion; Orange County Superior Court; 13NF0191.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending finality of *People v. Sanchez* (June 30, 2016, S216681) __ Cal.4th __, 2016 WL 3557001, which addressed whether the defendant's Sixth Amendment right to confrontation was violated by a gang expert's reliance on testimonial hearsay.

#16-262 *In re Berg*, S235277. (D068557; 247 Cal.App.4th 418; San Diego County Superior Court; HC21858.) Petition for review after the Court of Appeal affirmed an order granting relief on a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Kirchner*, S233508 (#16-168), which presents the following issue: When a juvenile offender seeks relief from a life-without-parole sentence that has become final, does Penal Code section 1170, subdivision (d)(2), which permits most juvenile offenders to petition for recall of a life-without-parole sentence imposed pursuant to Penal Code section 190.5 after 15 years, provide an adequate remedy under *Miller v. Alabama* (2012) 567 U.S. __ [132 S.Ct. 2455], as recently construed in *Montgomery v. Louisiana* (2016) 577 U.S. __ [136 S.Ct. 718]?

#16-263 *People v. Cardona*, S234660. (B261458; 246 Cal.App.4th 608; Los Angeles County Superior Court; VA116734.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Canizales*, S221958 (#14-134), which presents the following issue: Was the jury properly instructed on the "kill zone" theory of attempted murder?

#16-264 *Crossroads Investors, L.P. v. Federal National Mortgage Assn.*, S234737. (C072585; 246 Cal.App.4th 529; Yolo County Superior Court; CVCV121067.) Petition for review after the Court of Appeal affirmed an order denying a special motion to strike in a civil action. The court ordered briefing deferred pending decision in *Baral v Schnitt*, S225090 (#15-64), which presents the following issue: Does a special motion to strike under Code of Civil Procedure section 425.16 authorize a trial court to excise allegations of activity protected under the statute when the cause of action also includes meritorious allegations based on activity that is not protected under the statute?

#16-265 *People v. Moore*, S235309. (F070205; nonpublished opinion; Merced County Superior Court; CRM026364.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Friday*, S218288 (#14-77), *People v. Garcia*, S218197 (#14-78), and *People v. Klatt*, 218755 (#14-79), which present the following issue: Are the conditions of probation mandated by Penal Code section 1203.067, subdivision (b), for persons convicted of specified felony sex offenses — including waiver of the privilege against self-incrimination, required participation in polygraph examinations, and waiver of the psychotherapist–patient privilege — constitutional?

#16-266 *People v. Moore*, S235391. (B265499; nonpublished opinion; Los Angeles County Superior Court; GA084459.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Gonzales*, S231171 (#16-39), which presents the following issue: Was defendant entitled to resentencing under Penal Code section 1170.18 on his conviction for second degree burglary either on the ground that it met the definition of misdemeanor shoplifting (Pen. Code, § 459.5) or on the ground that section 1170.18 impliedly includes any second degree burglary involving property valued at \$950 or less?

#16-267 *People v. Preciado*, S235394. (B265313; nonpublished opinion; Los Angeles County Superior Court; KA106424.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Page*, S230793 (#16-28), which presents the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply to the offense of unlawful taking or driving a vehicle (Veh. Code, § 10851), because it is a lesser included offense of Penal Code section 487, subdivision (d), and that offense is eligible for resentencing to a misdemeanor under Penal Code sections 490.2 and 1170.18?

DISPOSITIONS

The following case was transferred to the Court of Appeal for reconsideration in light of the Attorney General's concession that the trial court improvidently dismissed plaintiff's complaint because the court could have allowed him to appear for trial by telephone.

#15-142 *Hamilton v. Yates*, S226450.

The following cases were transferred for reconsideration in light of *People v. Morales* (2016) 63 Cal.4th 399:

#15-215 *People v. Pinon*, S229632.

#15-223 *People v. Armogeda*, S230374.

#16-116 *People v. Superior Court (Rangel)*, S232439.

Review in the following cases following cases, which were granted and held for *People v. Morales* (2016) 63 Cal.4th 399, was dismissed:

#15-180 *People v. McCoy*, S229296.

#15-224 *People v. Neuman*, S230308.

#15-237 *People v. Reza*, S230463.

#16-52 *People v. Diaz*, S231848.

#16-115 *People v. Ming*, S232919.

#16-120 *People v. Espinoza*, S232521.

#16-152 *People v. Fernandez*, S233563.

#16-153 *People v. Jasso*, S233545.

#16-154 *People v. Jones*, S233334.

#16-155 *People v. Lateano*, S233365.

#16-156 *People v. Rodriguez*, S233577.

#16-207 *People v. Bolander*, S234322.

#16-208 *People v. Reyes*, S234155.

#16-224 *People v. Stine*, S234320.

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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.